FLEMMING ZULACK WILLIAMSON ZAUDERER	LLP
One Liberty Plaza New York, New York 10006	
(212) 412-9500	
Dean R. Nicyper, Esq. (DRN-7757)	
Attorneys for Plaintiff Earl Davis	
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	X
EARL DAVIS,	:
Plaintiff,	: Index No. 07 Civ. 4165 (SHS) (DF)
-against-	: :
SALANDER O'REILLY GALLERIES LLC f/k/a SALANDER O'REILLY GALLERIES INC., and LAWRENCE B. SALANDER	: : :
Defendants.	:
	X

PLAINTIFF'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS TO DEFENDANT SALANDER O'REILLY GALLERIES LLC

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Earl Davis demands that defendant Salander O'Reilly Galleries LLC ("SOR" or "defendant") respond to the following document requests.

REQUEST FOR DOCUMENTS

Please respond to the following Document Requests in accordance with the Definitions and Instructions set forth herein and in accordance with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of New York.

All documents concerning any Works, including documents concerning 1. the location of any Works, shipping records, UCC filings, and all agreements, contracts, and other records concerning the acquisition, purchase, sale, consignment, granting of security interests, transfer or other disposal, encumbering or possession of any Works.

- 2. All documents concerning any efforts made by Salander or SOR, or made on either of their behalves, after January 1, 2005, to obtain information about, learn the whereabouts of, or secure the possession of the Works.
- 3. All documents concerning the purchase and/or sale or consignment of any Works from January 1, 1997 to the present.
- 4. All documents concerning Salander's or SOR's securing or receipt of any and all sale proceeds, or other benefit received by Salander and/or SOR from the sale or transfer of any Works from January 1, 1997 to the present, including but not limited to any check, money order, wire transfer record, bank deposit, receipt, credit card record, or other record of payment or receipt and any correspondence relating to the transfer of sales proceeds.
- 5. All documents identifying any current or previous owners of any Works, or anyone who has asserted an ownership or other interest in, or has come into the possession of, any Works.
- 6. All documents relating to any and all claims or notices of claim SOR or Salander made, settled, or withdrew with respect to his or its insurer(s) relating to any theft, damage, loss or other injury concerning any Works.
- 7. The bill of sale, invoice and all other documents relating to the sales by Salander and SOR, or either of them, of any Works.

DEFINITIONS AND INSTRUCTIONS

Definitions and Rules of Construction

- 1. The definitions and rules of construction in Rule 26.3(c) and (d) of the Local Civil Rules of the United States District Court for the Southern District of New York are incorporated by reference into these Document Requests, and are supplemented as permitted by Local Civil Rule 26.3(a) by the definitions and instructions set forth herein.
- 2. The term "SOR" or "the Gallery" means defendant Salander O'Reilly Galleries, LLC (f/k/a Salander O'Reilly Galleries, Inc.), and its present and former members, directors, managers, employees, agents, attorneys and representatives.
 - 3. The term "Salander" means defendant Lawrence B. Salander.

- 4. The term "plaintiff" refers to Earl Davis.
- 5. The term "Works" means the works of art by artist Stuart Davis identified in Exhibit A hereto.

Instructions

- 1. These discovery requests call for the production of documents that are in your possession, custody or control, including, but not limited to, those in the possession, custody or control of your employees, agents, representatives or attorneys.
- 2. You are requested to list any and all documents withheld from production on the grounds of destruction, loss, privilege, or attorney work product, and to specify the grounds or reasons for any objection. With respect to any documents withheld from production on the grounds of privilege or attorney work product, you are requested to supply the following information: (i) the nature of the privilege (including work product) which is being asserted, including the factual and legal basis for the claimed privilege; (ii) the type of document; (iii) the general subject matter of the document; (iv) the date of the document; and (v) such other information as is sufficient to identify the document, including, where appropriate, the author of the document, all addressees and recipients of the document, and, where not apparent, the relationship of the author and each recipient to each other.
- 3. If any document requested herein, or any portion thereof, was formerly in your possession, custody or control and has been lost or destroyed or you believe that may be the case, you are requested to submit in lieu of such a document, a written statement identifying the author(s), recipient(s), subject matter, date prepared, date when the document was lost or destroyed, the reason(s) for such destruction, the manner of the destruction, and the identity of the person(s) requesting, authorizing and performing the destruction.

4. If any information is withheld because such information is stored electronically or optically, you are requested to identify the subject matter of the information, the place or places where such information is maintained and the custodian thereof.

5. Each document is to be produced as kept in the usual course of business including, but not limited to, the title or other description on the folder or file in which the document(s) produced is located, and is to be labeled to correspond with the specific numbered request set forth herein and in response to which it is being produced. If a document is being produced in response to more than one such specific request, the label should identify by number each specific request in response to which it is being produced. If no responsive documents are being produced, you should so state.

Dated: New York, New York June 27, 2007

Flemming Zulack Williamson Zauderer LLP

By:

Dean R. Nicyper (DN-7757)

One Liberty Plaza

New York, New York 10006
(212) 412-9500

Attorneys for Plaintiff Earl Davis

TO: David E. Mollon
WINSTON & STRAWN LLP
200 Park Avenue
New York, New York 10166-4193
(212) 294-6700
Attorneys for Defendants

Y.46 Windy Night, Newark 1917 15 1/2 x 11 1/4 in Reg # 3939

17-18 Sketchbook #17-18 1936, ink on paper 6 x 9 in Reg # 5197

Y.18 Portrait of a Man c.1915, oil on canvas 23 1/8 X 19 1/8 in Reg # 12760

24-10 Detail Study from Pad Series #2 c. 1946, pencil on paper 8 1/2 x 8 in Reg # 4549

O.47 On Location 1963, casein on paper 8 3/8 x 11 5/8 in Reg # 11264

Y.88 Twilight in Turkey 1961, oil on canvas 14 x 18 in Reg # 7198

Y.10 Mobil Oil 1916, oil on canvas 23 x 19 in Reg # 5334

17-10 Sketchbook #17-10 1936, ink on paper 6 x 9 in Reg # 5200

SD-4 Drawing for Smiths Cove c. 1935, pencil on paper 15 x 20 in Reg # 4804

Y.84A Little Giant Still Life (black and white version)

1953, oil on canvas 32 7/8 X 43 in Reg # 11260

O.1 Suffragettes

1910, watercolor on paper 13 3/4 x 18 3/4 in Reg # 3951

O.11 Chinese Merchant

1912, watercolor on paper 14 1/2 x 10 1/2 in Reg # 4784

B.16A Configuration

1932, gouache and pencil on paper 11 x 14 in Reg # 16323

10-7 Sketchbook (Gloucester)

c.1930-31, pencil on paper 8 x 10 in Reg # 16315

O.23K The Plaza

1918-19, watercolor on paper 18 x 24 in Reg # 3936

O.55 Factory, Gas Pump and Boat

c. 1930, ink and gouache on paper 10 x 15 1/2 in Reg # 3945

Y.45 Market and Broad Street,

Newark, New Jersey 1917, oil on paper 16 x 12 1/2 in Reg # 3938

Y.66 Wharf

1921, oil on canvas 15 x 23 in Reg # 12758

Y.53 Gloucester Landscape 1919, oil on canvas 23 7/8 x 29 3/4 in Reg # 5328

3-3 Sketchbook (Gloucester 3-3) c.1930, pencil on paper 10 3/4 x 14 1/2 in Reg # 11688

9-4 Sketchbook #9-4 (Sailboat and Lighthouse) c. 1932, pencil on paper 6 x 7 in Reg # 7132

10-4 Sketchbook #10-4 (Eraldine and Phyllis) pencil on paper 7 1/2 x 9 1/3 in Reg # 7135

B.50 Summer Landscape 1932, pencil on paper 7 1/8 x 10 3/8 in Reg # 11715

Y.8 Airview c. 1916, oil on canvas 30 1/4 x 24 1/4 in Reg # 5322

Y.99 Abstraction c. 1922-23, oil on canvas 32 x 22 in Reg # 3345

Y.100 Untitled (Black and White Variation on Pochade) c.1958-64, casein on canvas 45 X 56 in Reg # 3346

B.19B Drawing for Report from Rockport 1940, ink on paper 24 1/2 x 30 1/2 in Reg # 10834

B.20 Pad Series #I 1939, pencil on paper 34 1/2 x 19 1/2 in Reg # 11716

B.20B Drawing from Pad Series #3 1939, pencil on paper $321/4 \times 201/4$ in Reg # 4542

Dogtown (Hillside with Stone Walls) c.1916, oil on canvas 29 1/2 x 23 5/8 in Y.6 Reg # 3928

O.30A Room Interior 1925, watercolor on paper 12 1/8 x 9 1/2 in

Reg # 3953

Sketchbook (Gloucester 15-5) 15-5 1933, pencil on paper 8 x 10 in Reg # 11692

23-3 George Wettling Composition 1947, pencil on paper 12 x 18 in Reg # 11700

Y.4 Coal Derrick 1916 - 17, oil on canvas 24 1/8 x 30 in Reg # 3926

O.23C Glintenkamp on Bleeker 1911, watercolor 17 3/4 x 23 3/4 in Reg # 11708

Harbor Scene 1914, oil on canvas 26 1/8 x 38 1/8 in Reg # 5343

Y.82C Roses in a Vase 1924, oil on board $24.1/8 \times 18 in$ Reg # 6080

Y.41 Bowsprit 1916, oil on canvas 23 x 19 in Reg # 5318

Bleecker Street Y.28 1913, oil on canvas $38 \times 30 \text{ in}$ Reg # 5326

7-15 Street Scene with Boulanger c. 1928, pencil on paper $8 \times 101/2 \text{ in}$

Reg # 4545

O.13 Portrait of Man with Cap

1912, watercolor $101/2 \times 145/8 \text{ in}$ Reg # 11711

Clock and Telephone B.86

c.unknown, ink on paper $71/2 \times 5$ (sight) in Reg # 12827

Untitled (New York) 20-6

1938, ink on paper $7 \times 91/2 in$ Reg # 6003

Y.41A A Cove, Gloucester Beach

1916, oil on canvas $30 \times 24 in$ Reg # 3925

11-19 Sketchbook

(Gloucester Abstractions 11-19)

1932, ink on paper $8 \times 101/4 \text{ in}$ Reg # 11707

O.52 Untitled (Pear)

1921, watercolor and pencil on paper 17 x 12 1/4 in Reg # 3959

B.76 Figure on the Dock

c. 1930, pencil on paper 71/4 x 83/8 in Reg # 7130

1-1 Sketchbook 1-1

c.1931, pencil on paper $73/8 \times 11 \text{ in}$ Reg # 11354

10-3 Sketchbook #10-3

1932, pencil on paper $8 \times 101/4 \text{ in}$ Reg # 5199

13-11 Sketchbook #13-11 undated, Mixed media on paper 8 x 10 in Reg # 16876

Study for Hightstown Turnoff 1960, ink on paper 4 x 6 in Reg # 3557

B.102 Sketch for On Location c. 1963, ink and pencil on paper $4 \times 57/8 in$ Reg # 3558

B.104 Drawing for Bois pencil on paper 4 11/16 x 5 9/16 in Reg # 4788

Y.61 Tree 1921, oil on canvas 197/8 x 25 1/8 in Reg # 5321

From the Shore (The Sword Plant) Y.62 1921, oil on canvas 15 x 30 in Reg # 11241

Y.64 Tree and Urn 1921, oil on canvas $30 \times 19 \text{ in}$ Reg # 4809

Garden Scene Y.65

1921, oil on canvas 20 X 40 in Reg # 5344A

Still Life with Egg Beater Y.69

1922, oil on canvas 12 x 19 in Reg # 3940

Y.81 Interior

c. 1922, oil on canvas 20 1/8 x 16 1/8 in Reg # 3933

Y.81-B New Mexican Peak

1923, oil on canvas 22 x 32 1/2 in Reg # 5310

Y.81-C Mexican Girls

1923, oil on canvas 20 x 16 in Reg # 4407

Y.81-D Mexican Family

1923, oil on board 20 1/8 x 16 1/8 in Reg # 4406

Letter and His Ecol (Black & White)

c.1962-64, casein on canvas $24 \times 30 \text{ in}$ Reg # 3956B

O.27 Untitled

1921, watercolor on paper 23 x 17 in Reg # 3963

O.28 Greek Letter Backwards

1921, pencil and watercolor on paper

17 1/4 x 23 in Reg # 3962

O.48 Figure with Pear c. 1925, watercolor and pencil on paper 15 x 18 in Reg # 3958

B.18 Radio Tube 1939, pencil on paper 7 1/8 x 4 3/8 in Reg # 6001

B.116 Gloucester Study undated, pencil on paper 3 1/2 x 5 in Reg # 7141

16-8 Sketchbook (Gloucester Dock Scenes 16-8) 1933, pencil on paper 8 x 10 in Reg # 11702

Y.74 Still Life (Any) 1922, oil on artist board 9 x 6 in Reg # 10835

Y.12 (East) Gloucester-Harbor c. 1919, oil on canvas 19 x 23 in Reg # 5324

Y.14 Untitled (Rainy Day) c. 1918, oil on canvas 23 x 19 1/2 in Reg # 3947

Y.96 Theme for Eye Level c. 1950, oil on canvas 14 x 10 in Reg # 3342

0.63Theater Crowd 1911, watercolor on paper 14 x 18 1/2 in Reg # 7161

Composition with Paintings B.10 and Town Square (Studio Interior with "Plaza") 1925, ink on paper 10 x 11 in Reg # 11683

11-20 Untitled (Sketchbook #11-20) 1938, ink on paper $101/4 \times 8 \text{ in}$ Reg # 4551

Study for Radio City Music Hall Mural 1932, pencil on paper 10 1/2 X 17 in Reg # 11250

Cigar and Hand Held Before View 1-13 Looking Northwest from Approximately Third Avenue and E. 14th St. 1930-32, ink on paper 73/8x73/8in Reg # 5989

- B.84 New York Study undated, pencil on paper $13 \frac{1}{4} \times 83/4 in$ Reg # 7143
- 2-13 6th Avenue El from Washington Mkt. undated, pencil on paper 9 1/2 x 11 3/4 in Reg # 10821
- Drawing for Garage Lights 9-14 1932, pencil on paper 7 x 8 in Reg # 3586
- 17-16 Sketchbook (Gloucester 17-16) 1936, pencil on paper 6 x 9 in Reg # 11689
- 13-1 Study for Max II ink on paper 10 x 8 in Reg # 8458

Y.57 Setting Sun, Tioga 1919, oil on canvas 24 x 30 in Reg # 5340A

O.61 Untitled

Mixed media and watercolor on paper 14 1/2 x 9 1/2 in Reg # 3954

Y.7 Farmer and Horse, Tioga, PA. c.1919, oil on canvas 24 x 29 3/4 in Reg # 5313

Y.82B Indian Corn

1924, oil on board 18 3/4 x 24 1/2 in Reg # 8456

Y.70 Landscape with Saw 1922, Oil on board 16 x 12 in

Reg # 2785

Woman in Landscape 1914, oil on board 12 x 16 in Reg # 14390

11-6 Sketchbook #11-6 1932, ink on paper $8 \times 101/4 \text{ in}^{2}$ Reg # 5198

O.25 Rurales #1, Cuba 1920, watercolor on paper 19 x 24 ¾ in

Y.86	The Plan II
	1960, oil on canvas
	8 x 12 in

B.29 Study for Percolator 1927, pencil drawing $18 \frac{1}{8} \times 14 \frac{1}{4}$ in

B.23-1 Drawing for Pennsylvania 1947, pencil drawing on paper 12 x 18 in

11-10 Sketchbook c. 1932, ink drawing on paper 8 x 10 1/4 in

23-4 Rhythm (sic) 1947, pencil on tracing paper 12 x 18 in

Y69A Red Still-Life 1922, oil on canvas 50 x 32 in

Y74A Brown Still-Life 1922, oil on canvas 50 x 32 in

Y68A Still-Life with Dial 1922, oil on canvas 49 3/4 x 32 in

Y84B Windshield Mirror c. 1954, tempera drawing on canvas 54 x 76 in

O.40 Study for Allee 1955, gouache 8 x 35 in

O.42-A Section Study for Allee 1955, gouache 8 x 11 in

O.44 Hightstown Turnoff 1960, casein 11 3/8 x 15 1/4 in

O.96 The Saint 1943, gouache 15 x 20 in

O.58 Study for Flying Carpet #2 1942, gouache 5 x 7 in

O.59 Study for Flying Carpet #3 1942, gouache 5 x 7 in

B.88 (Untitled Drawing 1) ink on paper 7 3/4 x 6 3/4 in

SD3 CATS 1912, watercolor 14 3/4 x 10 5/8 in

O.23 Woman with Shawl 1918, watercolor 22 1/2 x 17 1/2 in

B.6 (Abstract Building composition) c. 1920's, ink on paper $163/4 \times 22$ in

B.15-A Drugstore Reflection 1931, ink on paper 11 1/2 x 15 1/4 in

Issued by the UNITED STATES DISTRICT COURT

	SOUTHERN	DISTRICT OF	NEW YORK		
EARL DAVIS,	V.		SUBPOENA IN	A CIVIL CAS	E
	LY GALLERIES LLC O'REILLY GALLERIES INC SALANDER	••,	Case Number: ¹	07 Civ. 4165	(SHS) (DF)
☐ YOU ARE COM to testify in the a	IMANDED to appear in the Unbove case.	nited States Distr	ict court at the place	e, date, and time	specified below
PLACE OF TESTIMONY				COURTROOM	
				DATE AND TIME	
☐ YOU ARE COM in the above case	MANDED to appear at the place.	e, date, and time	specified below to te	estify at the taking	g of a deposition
PLACE OF DEPOSITION				DATE AND TIME	
place, date, and t	MANDED to produce and permime specified below (list docure Attached Schedule A.	nit inspection and ments or objects)	l copying of the follo	owing documents	or objects at the
PLACE Flemming Zulack One Liberty Pla	Williamson Zauderer L za, New York, NY 10006	LP		DATE AND TIME	· · · · · · · · · · · · · · · · · · ·
☐ YOU ARE COM	MANDED to permit inspection	n of the followin	g premises at the da	ate and time speci	fied below.
PREMISES				DATE AND TIME	
matters on which the pe	ot a party to this suit that is subpoc agents, or other persons who conse erson will testify. Federal Rules of	ent to testify on its Civil Procedure,	behalf, and may set for 30(b)(6).	designate one or morth, for each person	nore officers, n designated, the
ISSUING OFFICER'S SIGN	IATURE AND TITLE (INDICATE IF ATT		,	DATE	
ISSUING OFFICER'S NAM	, Atto IE, ADDRESS AND PHONE NUMBER	rney for Pla	intiff	June ,	2007
Dean Nicyper	Williamson Zauderer L		rty Plaza, New	York, NY 100	006
	(See Rule 45 Federal Rules of C	Sand's Thomas Assess The Late Co. 1			

^{&#}x27; If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/06) Subpoena in	a Civil Case		
	PR	ROOF OF SERVICE	
	DATE	PLACE	
SERVED			
SERVED ON (PRINT NAME)		MANNER OF SERVICE	
		TITLE	
SERVED BY (PRINT NAME)		IIILE	
	DECL	ARATION OF SERVER	
	Ity of perjury under the la	nws of the United States of America that.	at the foregoing information
			•
Executed on			748
	DATE	SIGNATURE OF SERVER	· · · · · · · · · · · · · · · · · · ·
		ADDRESS OF SERVER	

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPORNAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
 - (B) If a subpocua
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (d) DUTIES IN RESPONDING TO SUBPOENA.
- (1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (B) If a subpocha does not specify the form or forms for producing electronically stored information, a person responding to a subpocha must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.
- (C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.
- (D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
- (2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.
- (B) If information is produced in response to a subpocus that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.
- (c) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

SCHEDULE A

REOUEST FOR DOCUMENTS

Please respond to the following Document Requests in accordance with the Definitions and Instructions set forth herein and in accordance with the Federal Rules of Civil Procedure and the Local United States District Court Rules.

- All documents concerning any Works, including documents 1. concerning the location of any Works, shipping records, UCC filings, and all agreements, contracts, and other records concerning the acquisition, purchase, sale, consignment, granting of security interests, transfer or other disposal, encumbering or possession of any Works.
- 2. All communications with Salander or SOR concerning the Works at any time during the period January 1, 1997 to the present.
- 3. All documents concerning the purchase, sale or consignment of any Works from January 1, 1997 to the present, including but not limited to any bill of sale, invoice, agreement, payment arrangement, check, money order, wire transfer record, bank deposit, receipt, credit card record, or other record of payment or receipt and any correspondence relating to the transfer of sales proceeds.

DEFINITIONS AND INSTRUCTIONS

Definitions and Rules of Construction

- The definitions and rules of construction in Rule 26.3(c) and (d) of 1. the Local Civil Rules of the United States District Court for the Southern District of New York are incorporated by reference into these Document Requests, and are supplemented as permitted by Local Civil Rule 26.3(a) by the definitions and instructions set forth herein.
- The term "SOR" or "the Gallery" means defendant Salander 2. O'Reilly Galleries, LLC (f/k/a Salander O'Reilly Galleries, Inc.), having a current

address of 22 East 71st Street, New York, New York 10021, and its present and former directors, members, managers, employees, agents, attorneys and representatives.

- The term "Salander" means defendant Lawrence B. Salander. 3.
- The term "plaintiff" refers to Earl Davis. 4.
- The term "Works" means the works of art by artist Stuart Davis 5. identified in Exhibit A hereto.

Instructions

- These discovery requests call for the production of documents that 1. are in your possession, custody or control, including, but not limited to, those in the possession, custody or control of your employees, agents, representatives or attorneys.
- You are requested to list any and all documents withheld from 2. production on the grounds of destruction, loss, privilege, or attorney work product, and to specify the grounds or reasons for any objection. With respect to any documents withheld from production on the grounds of privilege or attorney work product, you are requested to supply the following information: (i) the nature of the privilege (including work product) which is being asserted, including the factual and legal basis for the claimed privilege; (ii) the type of document; (iii) the general subject matter of the document; (iv) the date of the document; and (v) such other information as is sufficient to identify the document, including, where appropriate, the author of the document, all addressees and recipients of the document, and, where not apparent, the relationship of the author and each recipient to each other.
- 3. If any document requested herein, or any portion thereof, was formerly in your possession, custody or control and has been lost or destroyed or you

believe that may be the case, you are requested to submit in lieu of such a document, a written statement identifying the author(s), recipient(s), subject matter, date prepared, date when the document was lost or destroyed, the reason(s) for such destruction, the manner of the destruction, and the identity of the person(s) requesting, authorizing and performing the destruction.

- If any information is withheld because such information is stored 4. electronically or optically, you are requested to identify the subject matter of the information, the place or places where such information is maintained and the custodian thereof.
- Each document is to be produced as kept in the usual course of 5. business including, but not limited to, the title or other description on the folder or file in which the document(s) produced is located, and is to be labeled to correspond with the specific numbered request set forth herein and in response to which it is being produced. If a document is being produced in response to more than one such specific request, the label should identify by number each specific request in response to which it is being produced. If no responsive documents are being produced, you should so state.

Y.46 Windy Night, Newark 1917 15 1/2 x 11 1/4 in Reg # 3939

17-18 Sketchbook #17-18 1936, ink on paper 6 x 9 in Reg # 5197

Y.18 Portrait of a Man c.1915, oil on canvas 23 1/8 X 19 1/8 in Reg # 12760

24-10 Detail Study from Pad Series #2 c. 1946, pencil on paper 8 1/2 x 8 in Reg # 4549

O.47 On Location 1963, casein on paper 8 3/8 x 11 5/8 in Reg # 11264

Y.88 Twilight in Turkey 1961, oil on canvas 14 x 18 in Reg # 7198

Y.10 Mobil Oil 1916, oil on canvas 23 x 19 in Reg # 5334

17-10 Sketchbook #17-10 1936, ink on paper 6 x 9 in Reg # 5200

SD-4 Drawing for Smiths Cove c. 1935, pencil on paper 15 x 20 in Reg # 4804

Y.84A Little Giant Still Life (black and white version) 1953, oil on canvas 327/8 X 43 in

Reg # 11260

0.1 Suffragettes

1910, watercolor on paper $133/4 \times 183/4 \text{ in}$ Reg # 3951

O.11 Chinese Merchant 1912, watercolor on paper 14 1/2 x 10 1/2 in Reg # 4784

B.16A Configuration

1932, gouache and pencil on paper 11 x 14 in Reg # 16323

Sketchbook (Gloucester)

c.1930-31, pencil on paper $8 \times 10 in$ Reg # 16315

O.23K The Plaza

1918-19, watercolor on paper 18 x 24 in Reg # 3936

O.55 Factory, Gas Pump and Boat

c. 1930, ink and gouache on paper $10 \times 15 \, 1/2 \, in$ Reg # 3945

Y.45 Market and Broad Street,

Newark, New Jersey 1917, oil on paper 16 x 12 1/2 in Reg # 3938

Y.66 Wharf

1921, oil on canvas 15 x 23 in Reg # 12758

Y.53 Gloucester Landscape 1919, oil on canvas 23 7/8 x 29 3/4 in Reg # 5328

3-3 Sketchbook (Gloucester 3-3) c.1930, pencil on paper 10 3/4 x 14 1/2 in Reg # 11688

9-4 Sketchbook #9-4 (Sailboat and Lighthouse) c. 1932, pencil on paper 6 x 7 in Reg # 7132

10-4 Sketchbook #10-4 (Eraldine and Phyllis) pencil on paper 7 1/2 x 9 1/3 in Reg # 7135

B.50 Summer Landscape 1932, pencil on paper 7 1/8 x 10 3/8 in Reg # 11715

Y.8 Airview c. 1916, oil on canvas 30 1/4 x 24 1/4 in Reg # 5322

Y.99 Abstraction

c. 1922-23, oil on canvas 32 x 22 in Reg # 3345

Y.100 Untitled (Black and White Variation on Pochade)

c.1958-64, casein on canvas 45 X 56 in Reg # 3346

B.19B Drawing for Report from Rockport

1940, ink on paper 24 1/2 x 30 1/2 in Reg # 10834

Pad Series #I B.20

1939, pencil on paper $34 \frac{1}{2} \times 19 \frac{1}{2}$ in Reg # 11716

B.20B Drawing from Pad Series #3

1939, pencil on paper $321/4 \times 201/4 \text{ in}$ Reg # 4542

O.30A Room Interior 1925, watercolor on paper $121/8 \times 91/2$ in Reg # 3953

Sketchbook (Gloucester 15-5) 15-5 1933, pencil on paper 8 x 10 in Reg # 11692

George Wettling Composition 23-3 1947, pencil on paper

12 x 18 in Reg # 11700

Y.4 Coal Derrick

1916 - 17, oil on canvas 24 1/8 x 30 in Reg # 3926

O.23C Glintenkamp on Bleeker

1911, watercolor 17 3/4 x 23 3/4 in Reg # 11708

Harbor Scene Y.31

1914, oil on canvas 26 1/8 x 38 1/8 in Reg # 5343

Y.82C Roses in a Vase

1924, oil on board 24 1/8 x 18 in Reg # 6080

Y.41 Bowsprit

1916, oil on canvas 23 x 19 in Reg # 5318

Y.28 Bleecker Street

1913, oil on canvas 38 x 30 in Reg # 5326

Street Scene with Boulanger

c. 1928, pencil on paper 8 x 10 1/2 in

Reg # 4545

O.13 Portrait of Man with Cap

1912, watercolor $101/2 \times 145/8 \text{ in}$ Reg # 11711

B.86 Clock and Telephone

c.unknown, ink on paper $71/2 \times 5$ (sight) in Reg # 12827

20-6 Untitled (New York)

1938, ink on paper $7 \times 91/2 \text{ in}$ Reg # 6003

Y.41A A Cove, Gloucester Beach

1916, oil on canvas $30 \times 24 in$ Reg # 3925

11-19 Sketchbook

(Gloucester Abstractions 11-19) 1932, ink on paper $8 \times 101/4 \text{ in}$ Reg # 11707

O.52 Untitled (Pear)

1921, watercolor and pencil on paper $17 \times 12 \, 1/4 \, \text{in}$ Reg # 3959

B.76 Figure on the Dock

c. 1930, pencil on paper 71/4 x 83/8 in Reg # 7130

1-1 Sketchbook 1-1

c.1931, pencil on paper 73/8 x 11 in Reg # 11354

10-3 Sketchbook #10-3

1932, pencil on paper $8 \times 10^{1}/4 \text{ in}$ Reg # 5199

13-11 Sketchbook #13-11

undated, Mixed media on paper 8 x 10 in Reg # 16876

B.89 Study for Hightstown Turnoff

1960, ink on paper 4 x 6 in Reg # 3557

B.102 Sketch for On Location

c. 1963, ink and pencil on paper $4 \times 57/8 in$ Reg # 3558

B.104 Drawing for Bois

pencil on paper 4 11/16 x 5 9/16 in Reg # 4788

Y.61 Tree

1921, oil on canvas 197/8 x 251/8 in Reg # 5321

From the Shore (The Sword Plant)

1921, oil on canvas $15 \times 30 in$ Reg # 11241

Tree and Urn Y.64

1921, oil on canvas 30 x 19 in Reg # 4809

Garden Scene Y.65

1921, oil on canvas 20 X 40 in Reg # 5344A

Still Life with Egg Beater Y.69

1922, oil on canvas 12 x 19 in Reg # 3940

Y.81 Interior

c. 1922, oil on canvas 20 1/8 x 16 1/8 in Reg # 3933

Y.81-B New Mexican Peak

1923, oil on canvas 22 x 32 1/2 in Reg # 5310

Y.81-C Mexican Girls

1923, oil on canvas 20 x 16 in Reg # 4407

Y.81-D Mexican Family

1923, oil on board 20 1/8 x 16 1/8 in Reg # 4406

Letter and His Ecol (Black & White)

c.1962-64, casein on canvas 24 x 30 in Reg # 3956B

O.27 Untitled

1921, watercolor on paper 23 x 17 in Reg # 3963

O.28 Greek Letter Backwards

1921, pencil and watercolor on paper

 $171/4 \times 23 in$ Reg # 3962

O.48 Figure with Pear c. 1925, watercolor and pencil on paper 15 x 18 in Reg # 3958

B.18 Radio Tube 1939, pencil on paper 71/8 x 43/8 in Reg # 6001

B.116 Gloucester Study undated, pencil on paper $31/2 \times 5 in$ Reg # 7141

Sketchbook 16-8(Gloucester Dock Scenes 16-8) 1933, pencil on paper 8 x 10 in Reg # 11702

Y.74 Still Life (Any) 1922, oil on artist board 9 x 6 in Reg # 10835

Y.12 (East) Gloucester-Harbor c. 1919, oil on canvas 19 x 23 in Reg # 5324

Y.14 Untitled (Rainy Day) c. 1918, oil on canvas 23 x 19 1/2 in Reg # 3947

Theme for Eye Level Y.96 c. 1950, oil on canvas 14 x 10 in Reg # 3342

O.63 Theater Crowd 1911, watercolor on paper 14 x 18 1/2 in Reg # 7161

Composition with Paintings B.10 and Town Square (Studio Interior with "Plaza") 1925, ink on paper $10 \times 11 \text{ in}$ Reg # 11683

11-20 Untitled (Sketchbook #11-20) 1938, ink on paper $101/4 \times 8 \text{ in}$ Reg # 4551

Study for Radio City Music Hall Mural B.16 1932, pencil on paper 10 1/2 X 17 in Reg # 11250

Cigar and Hand Held Before View 1-13 Looking Northwest from Approximately Third Avenue and E. 14th St. 1930-32, ink on paper 73/8 x 73/8 in Reg # 5989

- B.84 New York Study undated, pencil on paper 13 1/4 x 8 3/4 in Reg # 7143
- 6th Avenue El from Washington Mkt. undated, pencil on paper 91/2 x 113/4 in Reg # 10821
- Drawing for Garage Lights 1932, pencil on paper 7 x 8 in Reg # 3586
- 17-16 Sketchbook (Gloucester 17-16) 1936, pencil on paper 6 x 9 in Reg # 11689
- 13-1 Study for Max II ink on paper 10 x 8 in Reg # 8458

Y.57 Setting Sun, Tioga 1919, oil on canvas $24 \times 30 in$

Reg # 5340A

O.61 Untitled

Mixed media and watercolor on paper 14 1/2 x 9 1/2 in Reg # 3954

Y.7 Farmer and Horse, Tioga, PA.

c.1919, oil on canvas 24 x 29 3/4 in Reg # 5313

Y.82B Indian Corn

1924, oil on board 18 3/4 x 24 1/2 in Reg # 8456

Y.70 Landscape with Saw

1922, Oil on board 16 x 12 in Reg # 2785

Y.32 Woman in Landscape

1914, oil on board 12 x 16 in Reg # 14390

11-6 Sketchbook #11-6 1932, ink on paper $8 \times 101/4 \text{ in}$ Reg # 5198

O.25 Rurales #1, Cuba 1920, watercolor on paper 19 x 24 ¾ in

Y.86	The Plan II
	1960, oil on canvas
	8 x 12 in

B.29 Study for Percolator 1927, pencil drawing $18 \frac{1}{8} \times 14 \frac{1}{4}$ in

B.23-1 Drawing for Pennsylvania 1947, pencil drawing on paper 12 x 18 in

11-10 Sketchbook c. 1932, ink drawing on paper 8 x 10 1/4 in

23-4 Rhythm (sic) 1947, pencil on tracing paper 12 x 18 in

Y69A Red Still-Life 1922, oil on canvas 50 x 32 in

Y74A Brown Still-Life 1922, oil on canvas 50 x 32 in

Y68A Still-Life with Dial 1922, oil on canvas 49 3/4 x 32 in

Y84B Windshield Mirror c. 1954, tempera drawing on canvas 54 x 76 in

O.40 Study for Allee 1955, gouache 8 x 35 in

O.42-A Section Study for Allee 1955, gouache 8 x 11 in

O.44 Hightstown Turnoff 1960, casein $11.3/8 \times 15.1/4$ in

O.96 The Saint 1943, gouache 15 x 20 in

O.58 Study for Flying Carpet #2 1942, gouache 5 x 7 in

O.59 Study for Flying Carpet #3 1942, gouache 5 x 7 in

B.88 (Untitled Drawing 1) ink on paper 7 3/4 x 6 3/4 in

SD3 CATS 1912, watercolor 14 3/4 x 10 5/8 in

O.23 Woman with Shawl 1918, watercolor 22 1/2 x 17 1/2 in

B.6 (Abstract Building composition) c. 1920's, ink on paper 16 3/4 x 22 in

B.15-A Drugstore Reflection 1931, ink on paper $11 \frac{1}{2} \times 15 \frac{1}{4}$ in